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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION *E-FILED - 8/4/05*

12 **C&R FRESH LLC.; HENRY**
13 **AVOCADO CORPORATION d/b/a**
14 **CUSTOM RIPE AVOCADO**
COMPANY ; and ONEONTA

15 **Plaintiffs,**

16 **vs.**

17 **JAVIER VAZQUEZ d/b/a LA**
18 **ESPERANZA PRODUCE; and**
DAVID B. VAZQUEZ;

19 **Defendants.**

Case No.: 5:05-cv-01458-RMW

STIPULATION AND ORDER FOR
VOLUNTARY DISMISSAL WITH
PREJUDICE

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21 **PLEASE TAKE NOTICE** that pursuant to Rule 41(a)(1)(ii) of the Federal
22 Rules of Civil Procedure, Plaintiffs, C&R Fresh LLC.; Henry Avocado
23 Corporation d/b/a Custom Ripe Avocado Company; and Oneonta Trading
24 Corp., (collectively "Plaintiffs"), by and through their undersigned counsel,
25 hereby stipulate to the voluntary dismissal with prejudice of the above-entitled
26

1 action against and Defendants Javier Vazquez d/b/a La Esperanza Produce and
2 David B. Vazquez (collectively "Defendants). Each party is to bear its own
3 attorneys' fees and costs.

4 **ORDER:**

5 Upon execution of this Stipulation by the parties hereto, the above-entitled
6 lawsuit against Defendants, is dismissed with prejudice. Each party is to bear its
7 own attorneys' fees and costs. This case is not closed.

8 **DONE AND ORDERED** in Chambers at San Jose, California this
9 4 day of August, 2005.

10 /s/ Ronald M. Whyte

11 Ronald M. Whyte
United States District Court Judge

12 **STIPULATED BY THE PARTIES:**

13 **MEUERS LAW FIRM, P.L.**

**BOSSO, WILLIAMS, SACH, ATTACK,
GALLAGHER & SANFORD**

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15 By: 

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